

§ 5107. Aiding consummation of crime

Official Comment—1972

This section is derived from Section 242.4 of the Model Penal Code. There is no similar provision in existing law.

Research References

ALR Library

113 ALR 1179, What Amounts to Conviction or Satisfies Requirement as to Showing of Conviction, Within Statute Making Conviction a Ground for Refusing to Grant or for Canceling License or Special Privilege.

Encyclopedias

Summary Pa. Jur. 2d Criminal Law § 6.2, Aiders and Abettors.

§ 5108. Compounding

Official Comment—1972

This section is derived from Section 242.5 of the Model Penal Code. Under existing statutory law the crime of compounding is limited to certain specified crimes such as treason, murder, rape, larceny, etc. The Penal Code of 1939, § 307 (18 P.S. § 4307). Rule 815 of the Pennsylvania Rules of Criminal Procedure authorizes the court to approve settlement of offenses not alleged to have been committed by force or violence or threat thereof, if the aggrieved party has a civil remedy and it appears that the public interest will not be materially affected.

This section also extends existing law to cover any offense, not just the more serious offenses.

Penalty: Reduced from 3 to 2 years.

Research References

Encyclopedias

Summary Pa. Jur. 2d Criminal Law § 18.55, Compounding.

Treatises and Practice Aids

2 Substantive Criminal Law § 13.6, Post-Crime Aid: Accessory After the Fact, Misprison and Compounding.

§ 5109. Barratry

Official Comment—1972

This section retains existing law as contained in Section 306 of The Penal Code of 1939 (18 P.S. § 4906) without substantial change.

Penalty: Unchanged.

Research References

Encyclopedias

Summary Pa. Jur. 2d Criminal Law § 18.56, Barratry.

§ 5110. Contempt of General Assembly

Official Comment—1972

This section is derived from Article II, Section 11 of the Pennsylvania Constitution, which authorizes each House to punish "persons for contempt or disorderly behavior in its presence."

Research References

Encyclopedias

Summary Pa. Jur. 2d Criminal Law § 18.57, Contempt of General Assembly.

Treatises and Practice Aids

14 West's Pennsylvania Practice C1020, Contempt of General Assembly.

§ 5111. Dealing in proceeds of unlawful activities

(a) **Offense defined.**—A person commits a felony of the first degree if the person conducts a financial transaction under any of the following circumstances:

- (1) With knowledge that the property involved represents the proceeds of unlawful activity, the person acts with the intent to promote the carrying on of the unlawful activity.
- (2) With knowledge that the property involved represents the proceeds of unlawful activity and that the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds of unlawful activity.
- (3) To avoid a transaction reporting requirement under State or Federal law.

(b) **Penalty.**—Upon conviction of a violation under subsection (a), a person shall be sentenced to a fine of the greater of \$100,000 or twice the value of the property involved in the transaction or to imprisonment for not more than 20 years, or both.

(c) **Civil penalty.**—A person who conducts or attempts to conduct a transaction described in subsection (a) is liable to the Commonwealth for a civil penalty of the greater of:

- (1) the value of the property, funds or monetary instruments involved in the transaction; or
- (2) \$10,000.

(d) **Cumulative remedies.**—Any proceedings under this section shall be in addition to any other criminal penalties or forfeitures authorized under the State law.

(e) **Enforcement.**—

(1) The Attorney General shall have the power and duty to institute proceedings to recover the civil penalty provided under subsection (c) against any person liable to the Commonwealth for such a penalty.

(2) The district attorneys of the several counties shall have authority to investigate and to institute criminal proceedings for any violation of subsection (a).

(3) In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L. 950, No. 164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of subsection (a) or any series of related violations involving more than one county of the Commonwealth or involving any county of the Commonwealth and another state. No person charged with a violation of subsection (a) by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of the Commonwealth to the person making the challenge.

(4) Nothing contained in this subsection shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth whose functions might relate to persons, enterprises or matters falling within the scope of this section.

(e.1) **Venue.**—An offense under subsection (a) may be deemed to have been committed where any element of unlawful activity or of the offense under subsection (a) occurs.

(f) **Definitions.**—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Conducts." Includes initiating, concluding or participating in initiating or concluding a transaction.

"Financial institution." Any of the following:

- (1) An insured bank as defined in section 3(h) of the Federal Deposit Insurance Act (64 Stat. 873, 12 U.S.C. § 1813(h)).

- (2) A commercial bank or trust company.
 (3) A private banker.
 (4) An agency or bank of a foreign bank in this Commonwealth.
 (5) An insured institution as defined in section 401(a) of the National Housing Act (48 Stat. 1246, 12 U.S.C. § 1724(a)).
 (6) A thrift institution.
 (7) A broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.).
 (8) A broker or dealer in securities or commodities.
 (9) An investment banker or investment company.
 (10) A currency exchange.
 (11) An insurer, redeemer or cashier of travelers' checks, checks, money orders or similar instruments.
 (12) An operator of a credit card system.
 (13) An insurance company.
 (14) A dealer in precious metals, stones or jewels.
 (15) A pawnbroker.
 (16) A loan or finance company.
 (17) A travel agency.
 (18) A licensed sender of money.
 (19) A telegraph company.
 (20) An agency of the Federal Government or of a state or local government carrying out a duty or power of a business described in this paragraph.
 (21) Another business or agency carrying out a similar, related or substitute duty or power which the United States Secretary of the Treasury prescribes.
- "Financial transaction." A transaction involving the movement of funds by wire or other means or involving one or more monetary instruments.

"Knowing that the property involved in a financial transaction represents the proceeds of unlawful activity." Knowing that the property involved in the transaction represents proceeds from some form, though not necessarily in that form, of unlawful activity, regardless of whether or not the activity is specified in this section.

"Monetary instrument." Coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery.

"Transaction." Includes a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition. With respect to a financial institution, the term includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument and any other payment, transfer or delivery by, through, or to a financial institution, by whatever means effected.

"Unlawful activity." Any activity graded a misdemeanor of the first degree or higher under Federal or State law.

1989, Dec. 22, P.L. 770, No. 108, § 1, imd. effective. Amended 2002, June 28, P.L. 481, No. 82, § 4, effective in 60 days.

171 P.S. § 732-101 et seq.

Historical and Statutory Notes

Act 2002-82 legislation

Act 2002-82, § 4, rewrote subsec. (a), which prior thereto read:

"(a) Offense defined.—A person commits a felony of the first degree if the person, knowing that the property involved in a financial transaction represents the proceeds of unlawful activity, conducts a financial transaction which involves

the proceeds of unlawful activity under any of the following circumstances:

- "(1) With the intent to promote the carrying on of the unlawful activity.
 "(2) Knowing that the transaction is designed in whole or in part:
 "(f) to conceal or disguise nature, location, source, ownership or control of the proceeds of unlawful activity; or

"(ii) to avoid a transaction reporting requirement under State or Federal law," ; and added subsec. (c).

Research References

Encyclopedias

Summary Pa. Jur. 2d Criminal Law § 18-58, Dealing in Proceeds of Unlawful Activities.

Treatises and Practice Aids

14 West's Pennsylvania Practice D130, Dealing in Proceeds of Unlawful Activities.

Notes of Decisions

Drug dealing 2
 Expert witnesses 3
 Unlawful activity 1

unlawful activity as any felony or first-degree misdemeanor, and targets the dealing in proceeds derived from any of those various illegal activities. *Com. v. Barnhart*, 722 A.2d 1093, Super.1998, appeal denied 739 A.2d 539, 559 Pa. 672. United States 634

1. Unlawful activity

Defendant who was convicted of, among other things, felony theft, committed offense which amounted to "unlawful activity" within meaning of statute prohibiting dealing in proceeds of unlawful activities. *Com. v. Barnhart*, 722 A.2d 1093, Super.1998, appeal denied 739 A.2d 539, 559 Pa. 672. Receiving Stolen Goods 631

2. Drug dealing

Transacting in proceeds of illegal drug dealing is not required element of statute prohibiting dealing in proceeds of unlawful activities; statute presents explicit language which clearly defines

3. Expert witnesses

Trial court did not abuse its discretion in excluding expert opinion testimony, by certified public accountant, that defendant could not have understood how to commit alleged crime under statute prohibiting dealing in proceeds of unlawful activity, where testimony would have resulted in confusing mix of fact and opinion on ultimate issue for which jury did not require expert's clarification. *Com. v. Barnhart*, 722 A.2d 1093, Super.1998, appeal denied 739 A.2d 539, 559 Pa. 672. Criminal Law 647(2)

§ 5112. Obstructing emergency services

(a) Offense defined.—A person commits a misdemeanor of the third degree if he knowingly impedes, obstructs or interferes with emergency services personnel providing emergency medical services to an injured victim or performing rescue or firefighting activities.

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Emergency medical services." The services utilized in responding to the needs of an individual for immediate medical care in order to prevent loss of life or the aggravation of physiological or psychological illness or injury.

"Emergency services personnel." A person, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical or rescue services or firefighting.

"Rescue." The act of extricating persons from entrapment or dangerous situations which pose the imminent threat of death or serious bodily injury.

1998, Dec. 21, P.L. 1240, No. 157, § 1, effective in 60 days.

Research References

Encyclopedias

Summary Pa. Jur. 2d Criminal Law § 18-59, Obstructing Emergency Services.

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(a) Falsely incriminating another.—[A] *Except as provided in subsection (c), a person who knowingly gives false information to any law enforcement officer with intent to implicate another commits a misdemeanor of the second degree.*

(b) Fictitious reports.—[A] *Except as provided in subsection (c), a person commits a misdemeanor of the third degree if he:*

- (1) reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or
- (2) pretends to furnish such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident.

(c) *Grading.—If the violation of subsection (a) or (b) occurs during a declared state of emergency and the false report causes the resources of the law enforcement authority to be diverted from dealing with the declared state of emergency, the offense shall be graded one step greater than that set forth in the applicable subsection.*

Section 4. Section 5111(a) of Title 18 is amended and the section is amended by adding a subsection to read:

§ 5111. Dealing in proceeds of unlawful activities.

(a) Offense defined.—A person commits a felony of the first degree if the person[, knowing that the property involved in a financial transaction represents the proceeds of unlawful activity,] conducts a financial transaction [which involves the proceeds of unlawful activity] under any of the following circumstances:

(1) *With knowledge that the property involved represents the proceeds of unlawful activity, the person acts with the intent to promote the carrying on of the unlawful activity.*

(2) [Knowing] *With knowledge that the property involved represents the proceeds of unlawful activity and that the transaction is designed in whole or in part:*

- (i) to conceal or disguise *the* nature, location, source, ownership or control of the proceeds of unlawful activity[; or
- (ii) to avoid].

(3) *To avoid a transaction reporting requirement under State or Federal law.*

(e.1) *Venue.—An offense under subsection (a) may be deemed to have been committed where any element of unlawful activity or of the offense under subsection (a) occurs.*

Section 5. Sections 5516, 5708(1) and 6105(b) of Title 18 are amended to read:

§ 5516. Facsimile [bombs] *weapons of mass destruction.*

(a) Offense defined.—A person commits an offense if the person *intentionally, knowingly or recklessly* manufactures, sells, purchases,

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER
CRIMINAL

DEFENSE ATTORNEY

COPY

COMMONWEALTH OF PENNSYLVANIA

vs.

No. 5995-2006

LEVI L. STOLTZFOOS

JURY TRIAL
VOLUME 1 OF 4

Before: Honorable Howard F. Knisely, Judge

Date : Monday, May 5, 2008

Place : Courtroom No. 3
50 North Duke Street
Lancaster, Pennsylvania 17602

APPEARANCES:

STEVAN K. PORTMAN, ESQUIRE
ASSISTANT ATTORNEY GENERAL
For - The Commonwealth

JEFFREY A. CONRAD, ESQUIRE
CLYMER & MUSSER
408 West Chestnut Street
Lancaster, Pennsylvania 17603
For - The Defendant

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I N D E X

Suppression Hearing

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Daniel Licklider	3	7	--	--
Jonathan Heisse	14	18	20	--

P R O C E E D I N G S

(10:00 a.m.)

THE COURT: This is the time and date for the trial of Levi L. Stoltzfoos, Number 5995-2006. As I have met with counsel in chambers prior to opening court, we're going to proceed first with defense's motion to suppress.

Mr. Portman, are you ready to proceed?

MR. PORTMAN: Yes, we are, Your Honor.

THE COURT: Please.

MR. PORTMAN: Call Detective Dan Licklider to the stand, Your Honor.

DANIEL O. LICKLIDER,
called as a witness, having been duly sworn or affirmed,
was examined and testified as follows:

MR. CONRAD: Your Honor, I would ask to sequester witnesses, obviously, sir.

DIRECT EXAMINATION

BY MR. PORTMAN:

Q. Would you please state your name for the record?

A. Daniel O. Licklider.

Q. And by whom are you employed?

A. Commonwealth of Pennsylvania, Office of the Attorney General.

Q. In what capacity?

1 A. Narcotic Agent 3.

2 Q. And with respect to the case before us,
3 Commonwealth versus Levi Stoltzfoos, are you the lead
4 investigator on the case?

5 A. Yes, sir, I am.

6 Q. I'd like to direct your attention back to
7 March of 2007. Did you have an occasion to meet with
8 Levi Stoltzfoos at the New Holland Borough Police
9 Department?

10 A. Yes, I did. In 2006.

11 Q. Two thousand six. I'm sorry.

12 And is Levi Stoltzfoos in the courtroom
13 today?

14 A. Yes, sir, he is.

15 Q. Please identify him.

16 A. He's to the left of defense counsel in the
17 long-sleeve blue shirt.

18 MR. PORTMAN: Note for the record the
19 defendant's been identified.

20 THE COURT: It shall be noted.

21 BY MR. PORTMAN:

22 Q. With respect to your meeting with
23 Mr. Stoltzfoos in March of 2006, who initiated that
24 meeting?

25 A. Mr. Stoltzfoos.

1 Q. And how did that contact take place?

2 A. The contact started on or about
3 February 23rd. Mr. Stoltzfoos would call the office on
4 numerous occasions and that's how it was initiated.

5 Q. Do you recall about what time the meeting
6 took place?

7 A. Yes. The meeting took place on or about
8 March 17th, 2006 at New Holland Police Department,
9 borough office.

10 Q. And was that in the morning, afternoon or
11 evening?

12 A. I don't remember. I don't recall.

13 Q. Now, can you please describe the room in
14 which the meeting took place?

15 A. Yeah. The room was the -- it was the Council
16 Chambers room.

17 Q. Okay. And who was present for the meeting?

18 A. Detective Jonathan Heisse from New Holland
19 Borough Police Department, myself and the prosecutor,
20 Stevan Kip Portman.

21 Q. And did Mr. Stoltzfoos appear?

22 A. Mr. Stoltzfoos appeared. He come in through
23 the side door.

24 Q. And to the best of your knowledge, where did
25 that side door lead to?

1 A. To the parking lot on the left. As you face
2 the building, it was on the left side.

3 Q. Now, were you present for the entire meeting?

4 A. Yes, sir.

5 Q. And at any time was the defendant in custody?

6 A. No, sir.

7 Q. Were there any uniform police officers in the
8 meeting room?

9 A. No, sir.

10 Q. Where did he -- was there a discussion
11 between the parties?

12 A. Yes, sir.

13 Q. Where did that take place?

14 A. In the conference room.

15 Q. All right. Was there a single table,
16 multiple tables?

17 A. There was -- we sat at a large table.
18 Mr. Stoltzfoos sat on the one side of the table. Myself,
19 Prosecutor Mr. Portman and Detective Heisse sat on the
20 opposite side.

21 Q. Did you at any time tell Mr. Stoltzfoos that
22 he was not free to leave?

23 A. No, sir.

24 Q. Now, were you present for the arrest of
25 Mr. Stoltzfoos?

1 A. Yes, sir.

2 Q. And where did that take place, if you recall?

3 A. Yes. He turned himself in to the New Holland
4 Borough Police Department.

5 Q. And you were present when he turned himself
6 in?

7 A. Yes, sir.

8 Q. Did you take any statements from him at that
9 time?

10 A. No, not that I recall. None that I recall.

11 MR. PORTMAN: No further questions.

12 THE COURT: Mr. Conrad.

13 MR. CONRAD: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. CONRAD:

16 Q. Sir -- good morning, by the way.

17 Your last name is Licklider?

18 A. That's correct.

19 Q. Very well. Is it Agent Licklider, Detective?

20 A. Agent.

21 Q. Okay. Agent Licklider, with regard to the
22 March incident, do you recall what day that was,
23 March 2006?

24 A. What day of the week?

25 Q. What day of the month it was.

1 A. No, sir.

2 Q. All right. If I told you it was March 28th,
3 would that make sense?

4 A. Best of my recollection, it was on or about
5 March 17th.

6 Q. March 17th?

7 A. That's correct.

8 Q. Okay. On that particular date when you
9 had -- you said there were three officers in the room and
10 Mr. Stoltzfoos?

11 A. No, sir. No. There was Prosecutor
12 Mr. Portman, myself and Detective Heisse.

13 Q. Okay. Prosecutor and then you two fellows.

14 Okay. You had indicated that Mr. Stoltzfoos
15 had initiated the contact?

16 A. Yes, sir.

17 Q. So out of the blue, Levi Stoltzfoos called
18 you and said, hey, I want to come talk to you?

19 A. Absolutely. What happened was when we did
20 our search warrants on February 23rd, that night back at
21 the office, Mr. Stoltzfoos called the office and he
22 called every day. Every day he's talking to me. He
23 tried to talk to Mr. Portman. He was talking to our
24 secretary and eventually it led to having the meeting
25 down there at New Holland.

1 Q. Okay. So actually what started this was a
2 search warrant that you guys did is what actually started
3 all this, correct?

4 A. I didn't reach out to talk to him. He called
5 us. I could care less if he -- and he kept calling us
6 and kept calling us.

7 Q. If he wanted to speak with you?

8 A. That's correct.

9 Q. All right. When he came in for this
10 interview, what statements did he make to you?

11 A. He produced --

12 MR. PORTMAN: Objection.

13 THE COURT: And your objection, sir?

14 MR. PORTMAN: Your Honor, the issue is not
15 what statements were made. It's whether or not it was
16 constitutional. Exact statements are not at issue.

17 THE COURT: Counsel.

18 MR. CONRAD: Your Honor, we're certainly
19 entitled to know what the Commonwealth expects to
20 present. I'd like to know what, if any, statements were
21 made to determine how they came about getting those
22 particular statements. So I'm just simply asking what,
23 if any, statements are they attempting to introduce.

24 MR. PORTMAN: This is not an evidentiary
25 hearing. This is a motion to suppress statements, which

1 goes to how the statements were obtained, not the
2 contents of those statements.

3 THE COURT: Have the statements themselves
4 been given in discovery, Mr. Portman?

5 MR. PORTMAN: They have, Your Honor.

6 THE COURT: Then I would sustain the
7 objection.

8 BY MR. CONRAD:

9 Q. Sir, is it my understanding that at that
10 time, he handed you some kind of paper?

11 A. No, sir.

12 Q. How did you -- did you ever receive a
13 statement from him?

14 A. No, sir.

15 Q. Ever receive a written statement from him?

16 A. No, sir.

17 Q. Is it your testimony he made no statements to
18 you when he came in for this meeting, though?

19 A. No, sir.

20 Q. So he did make statements, you just don't
21 want to share them at this point?

22 A. He read a prepared statement that he brought
23 in his wallet. It was a yellow piece of paper --
24 handwritten statement and he read it.

25 Q. Did you then question him about the

1 statement?

2 A. I attempted to.

3 Q. What happened when you attempted to?

4 A. He reiterated some of these statements that
5 he had and then he didn't want to talk. He said his
6 purpose there was to read the statement and he wouldn't
7 answer any questions.

8 Q. Did you eventually obtain a copy of that
9 statement?

10 A. Yes, sir.

11 Q. Where did you receive a copy of that
12 statement?

13 A. When I executed the search warrant on his
14 residence, it was in his room.

15 Q. How can you be sure the statement you
16 recovered is the same one from that day?

17 A. It was the yellow one that he read from and
18 it was the yellow one that he had in the room. And he
19 was -- as we would give him answers to his questions, he
20 would write on them. And, also, our phone numbers are
21 affixed on the yellow piece of paper. He took our phone
22 numbers where to contact us.

23 Q. So he actually interviewed you?

24 A. Yeah. We wanted to hear what he had to say.
25 I could have cared less if he wanted to come in.

1 Q. He wanted to come in and talk?

2 A. He wanted to talk to us and, you know -- so
3 who knows what he's going to say. Didn't matter to me
4 whether he come in or not.

5 Q. You never indicated to him whether or not he
6 had a right to an attorney?

7 A. Not at that time.

8 Q. At any point during the discussion did he ask
9 for an opportunity to leave?

10 A. No.

11 Q. Never asked to leave?

12 A. No.

13 Q. If he wanted to leave, could he have left?

14 A. Absolutely.

15 Q. How long did the meeting take?

16 A. Approximately a half hour.

17 Q. Did you ever determine his educational
18 background?

19 MR. PORTMAN: Your Honor, if we could get
20 clarification as to the time frame when that question is
21 posed, whether it was before or after this meeting took
22 place.

23 THE COURT: I believe that's appropriate.

24 BY MR. CONRAD:

25 Q. Before you began talking with him about that

1 particular matter, talking with Levi Stoltzfoos that
2 morning, did you find out what his educational background
3 was, how far he'd gone in school?

4 A. Well, I found out from paperwork, but I mean
5 it wasn't a priority, no.

6 Q. You didn't know if he was an educated man or
7 uneducated man?

8 A. I saw what he did. He was an intelligent
9 man.

10 Q. Okay. Did you determine whether or not he
11 was under the influence of any drugs or alcohol at the
12 time?

13 A. I didn't ask him. He didn't appear to be. I
14 said he didn't appear to be at the time and I didn't ask
15 him that. I mean for what he did and was doing and I was
16 investigating him for, he wasn't an illiterate for what
17 he did.

18 MR. CONRAD: Court's indulgence for one
19 moment.

20 BY MR. CONRAD:

21 Q. On the day of the arrest, you were there to
22 take him into custody?

23 A. Yes, I was there.

24 Q. And is it your testimony that he did make
25 statements at the time of his arrest?

1 A. He could have. I mean it's nothing much I,
2 best of my recollection, that I took notes of.

3 MR. CONRAD: Your Honor, sir, I know I was
4 objected to earlier on this, but whether or not
5 statements were made at that time the defense is unclear
6 if they were. If they were made, it would be important
7 to know if the Commonwealth intends to introduce anything
8 from the time of arrest and then for me to explore
9 whether he was in custody at that point when he made the
10 statement or not in custody. I need to know whether they
11 intend to introduce any statements from the time of the
12 arrest.

13 THE COURT: What would you like to say?

14 MR. PORTMAN: We'll not be introducing any
15 statements from the day of arrest.

16 THE COURT: Thank you, Mr. Portman.

17 MR. CONRAD: No further questions.

18 THE COURT: Next witness.

19 I'm sorry. Do you have any --

20 MR. PORTMAN: Nothing on redirect, Your
21 Honor.

22 JONATHAN HEISSE,
23 called as a witness, having been duly sworn or affirmed,
24 was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. PORTMAN:

1 Q. Would you please state your name for the
2 record?

3 A. Jonathan Heisse.

4 Q. And by whom are you employed?

5 A. New Holland Police.

6 Q. In what capacity?

7 A. Detective.

8 Q. And for how long have you been so employed?

9 A. Eighteen years.

10 Q. Are you familiar with a gentleman by the name
11 of Levi Stoltzfoos?

12 A. Yes, I am.

13 Q. Is he in the courtroom today?

14 A. Yes. He's seated next to counsel at the
15 table.

16 Q. And when did you first become acquainted with
17 Mr. Stoltzfoos?

18 A. I became acquainted with him several years
19 ago. I don't know an exact time, but at least five, six
20 years ago.

21 Q. I'd like to direct your attention back to
22 March of 2006. Did you have an occasion to be in a
23 meeting with Mr. Stoltzfoos, Mr. Licklider and myself and
24 you?

25 A. Yes, I did.

1 Q. And did that take place at the New Holland
2 Borough facility?

3 A. Yes, it did.

4 Q. And do you remember where that meeting took
5 place?

6 A. Took place in our Borough Council Chambers.

7 Q. And do you recall how that meeting came to
8 being?

9 A. My understanding was Mr. Licklider had set up
10 the meeting with Mr. Stoltzfoos. Mr. Stoltzfoos arrived
11 on his own and we all went into the council room.

12 Q. And do you recall -- strike that.

13 How did Mr. Stoltzfoos enter the room, if you
14 know?

15 A. Came in the front door of the office
16 building, which is opened to the public. We went through
17 the double doors, down the hallway and into the council
18 room.

19 Q. And is the council room open to the public at
20 all times?

21 A. Well, no, I would say it's not. It's a
22 public facility. It's on the borough side. The police
23 department is on the one side and the borough side is on
24 the other. That's where they hold their public meetings,
25 audits, water/sewer meetings, that kind of stuff.

1 Q. In addition to yourself, Mr. Licklider
2 and myself and Mr. Stoltzfoos, was there anyone else
3 present while you were in the room?

4 A. No.

5 Q. Were there any uniformed officers in there?

6 A. No.

7 Q. And can you describe the layout of the
8 borough room for us?

9 A. Yes. The room has three doors; one door to
10 the hallway that I described, one door goes into the
11 borough office where the secretaries and borough manager
12 are, and the third door is an exterior door that opens
13 into the parking lot.

14 Q. At any time while you were present -- strike
15 that.

16 Were you present for the entire meeting?

17 A. Yes.

18 Q. And while you were present, was
19 Mr. Stoltzfoos in any way restrained?

20 A. No, he was not.

21 Q. At any time during the meeting, did you or
22 Mr. Licklider or myself tell the defendant that he was
23 not privy to leave?

24 A. No.

25 Q. Did he ask at any time if he was able to

1 leave or free to leave?

2 A. I don't recall that.

3 MR. PORTMAN: No further questions.

4 THE COURT: Cross.

5 CROSS-EXAMINATION

6 BY MR. CONRAD:

7 Q. Good morning, Detective.

8 A. Good morning, Mr. Conrad.

9 Q. Was Mr. Stoltzfoos ever read his Miranda
10 rights?

11 A. No, he was not.

12 Q. Why is that?

13 A. He had come in voluntarily. He was free to
14 leave at any time he wanted to.

15 Q. You had indicated that Detective -- I'm
16 sorry -- Agent Licklider had set up the meeting?

17 A. That's correct.

18 Q. Is that your recollection?

19 A. That's my recollection, yes.

20 Q. So it wasn't set up by Mr. Stoltzfoos?

21 A. I was only assisting, so I knew there was a
22 meeting. They asked to use our facility and I
23 accommodated.

24 The communication they had prior to that I
25 really don't know. I assume he set it up. If they were

1 talking back and forth and if it was mutual, I really
2 don't know.

3 Q. Once inside the meeting, did my client appear
4 to be under the influence of alcohol or drugs?

5 A. No.

6 Q. Did he seem oriented to time and place?

7 A. Yes.

8 Q. The questions -- who posed the first
9 question?

10 A. I believe Mr. Licklider discussed with him
11 why he was there and began. Mr. Stoltzfoos immediately
12 had a list -- he had prepared a list of questions on his
13 own, almost like a statement, and he began into that
14 briefly into the meeting.

15 Q. Okay. Why was he there? You said there was
16 a discussion about that. What was said about why he was
17 there?

18 A. About the money that was taken from the bank
19 that he claimed was his money and why it was taken.

20 Q. Money that was taken from the bank or money
21 he was putting into the bank?

22 A. Money ended up being taken from the bank that
23 he had deposited.

24 Q. That the government had seized?

25 A. Yes.

1 Q. And then you say he went right into reading a
2 statement?

3 A. He had a list of questions he had posed. And
4 the meeting at the beginning was, you know, basically why
5 you're here, I want to talk to you about that. And
6 within a short time, he announced he had a list and he
7 had questions on his own and he began reading them.

8 Q. Okay. And did you fellows then respond to
9 his questions?

10 A. Yes.

11 Q. At the conclusion of his questions, what
12 happened then?

13 A. He was released. He was, you know -- the
14 meeting ended and he was free to go.

15 Q. You didn't take a written statement from him
16 then?

17 A. It wasn't up to me to take it. It was Agent
18 Licklider's case. I was simply present. I took nothing
19 written.

20 Q. Did you prepare a report from that?

21 A. No, I did not.

22 MR. CONRAD: Thank you, sir.

23 REDIRECT EXAMINATION

24 BY MR. PORTMAN:

25 Q. Just to clarify, Detective. You said

1 released. When did the meeting end?

2 A. I don't recall the time. The meeting ended
3 basically when everybody was done talking and it was
4 obvious that he wasn't going to really give a full
5 statement or anything.

6 Q. And then did the parties just leave?

7 A. Yes.

8 Q. And do you recall how Mr. Stoltzfoos left the
9 room?

10 A. Either went out the side door that's open to
11 the public or back out through the hallway. I don't
12 recall exactly which.

13 MR. PORTMAN: Nothing further.

14 THE COURT: Any recross?

15 MR. CONRAD: No, Your Honor.

16 THE COURT: You may be excused.

17 MR. PORTMAN: You may step down.

18 Your Honor, with respect to the motion to
19 suppress, the Commonwealth would rest.

20 THE COURT: Any testimony on behalf of
21 defense?

22 MR. CONRAD: Your Honor, if I could ask the
23 Court's indulgence again for just a moment, sir?

24 THE COURT: Okay.

25 MR. CONRAD: Your Honor, we have no testimony

1 regarding the suppression issue. However, with regard to
2 some of the other motions that we're obviously going to
3 argue this morning, there may be a need for me to present
4 testimony based on what the Commonwealth's intentions
5 are. So I guess at this point, I simply reserve the
6 right, as we go into the motions hearing, whether or not
7 to call or present testimony at that time.

8 THE COURT: But relative to the motion to
9 suppress itself, there is no testimony at this point?

10 MR. CONRAD: That is correct, Your Honor.

11 THE COURT: If I may move on then.

12 Mr. Portman, motion to quash Count 59?

13 MR. PORTMAN: Your Honor, the Commonwealth
14 would move to nol pros Count 59 in the Information, I
15 think, which makes the motion to sever and the motion to
16 quash that count moot.

17 THE COURT: Agreed, Counsel?

18 MR. CONRAD: Your Honor, yes. If we're going
19 to nol pros Count 59, then, yes, as to the motion
20 number 3, the motion to quash becomes moot as would the
21 motion to sever, yes, sir.

22 THE COURT: Very well. The motion relative
23 to the return of property is not going to be addressed at
24 this point in time. That matter can be addressed
25 certainly after the proceedings have been complete.

1 As to the motion in limine, for the record,
2 the Commonwealth has indicated that they will not be
3 putting the matters in the motion in limine relative to
4 what we'll call briefly the credit card bust-out, those
5 type of matters, in its case in chief. If issues are
6 raised by the defense, certainly the Commonwealth has
7 reserved its right to bring those matters back to the
8 Court's attention and we would face that motion at the
9 appropriate time.

10 MR. PORTMAN: Correct, Your Honor.

11 MR. CONRAD: Your Honor, just so I
12 understand, if I could, sir, just to clarify the record.
13 So the Commonwealth then is precluded from discussing
14 anything to do with the credit card bust-out or any other
15 positive schemes? In terms of buying and selling
16 merchandise, they're precluded from discussing those kind
17 of issues?

18 THE COURT: In its case in chief until the
19 matter has been raised, if at all, by defense.

20 Is that your understanding also,
21 Mr. Portman?

22 MR. PORTMAN: Yes, it is, Your Honor.

23 MR. CONRAD: Very well, Your Honor. Selling
24 merchandise, they're absolutely precluded.

25 THE COURT: Anything else, Mr. Conrad? Those

1 are all the issues I think we spoke of in chambers.

2 MR. CONRAD: Your Honor, to argue the motion
3 to quash Counts 1 through 58, that would need to be
4 argued this morning as well.

5 THE COURT: Mr. Conrad.

6 MR. CONRAD: Your Honor, if I could have the
7 Court's indulgence for just a moment here.

8 Your Honor, we have a number of issues to
9 make with regard to the motion to quash. The statute
10 itself that my client has been charged with is Title 18,
11 5111, dealing in proceeds of unlawful activities. And,
12 Your Honor, we would move to quash that for a number of
13 reasons, first off being that there is no mens rea
14 requirement that's actually indicated in the statute.

15 And, Your Honor, the -- in Pennsylvania, this
16 being a relatively new statute, there's been nothing
17 really in terms of research that I can come up with in
18 any way, shape or form to discuss this matter. The only
19 thing I could find on point was actually a federal case
20 in the Third Circuit here in Pennsylvania. United States
21 versus Hill, 167 F.3d -- Third -- 1055, a 1999 case.

22 A very similar statute that the federal
23 government utilizes is structuring. It's essentially the
24 same statute. And in that, the Court has said that to
25 prove structuring, the government must show the defendant

1 knew of relative reporting requirements and that he
2 structured his transaction for the purpose of evading
3 those reporting requirements, and that he acted with
4 knowledge that such conduct was unlawful.

5 Essentially what we have here is all but a
6 strict liability statute. And, Your Honor, we would
7 argue that it's actually unconstitutional in the sense
8 that there's no mens rea requirement here in the statute
9 and therein is an unconstitutional statute.

10 The federal government in their statute,
11 they've at least laid out a mens rea. And they indicated
12 one has to have knowledge of this, then try to subvert
13 the statute. Here in this particular instance, there's
14 no mens rea. So that would be the first argument. The
15 second argument, Your Honor, would be as to the fact that
16 -- and I think what's noted in the motion is that it's
17 void for vagueness and it would be unconstitutional
18 because it's void for vagueness.

19 Citing a case called Commonwealth versus
20 Barud, B-a-r-u-d, it's at 545 Pennsylvania 296, a 1996
21 case, Court said: As generally stated, the void for
22 vagueness doctrine requires that a penal statute define
23 the criminal offense with sufficient definiteness that
24 ordinary people can understand what conduct is prohibited
25 and in a manner that does not encourage arbitrary and

1 discriminatory enforcement.

2 Your Honor, this particular statute, the way
3 it's laid out is -- we would argue is, in fact, void for
4 vagueness in that hypothetically, if I were to go to the
5 bank today, tomorrow, the next day and deposit one
6 dollar, but my intent was to avoid having to file a form,
7 one of the forms that is required here, then I would then
8 have violated the statute. It seems highly improbable or
9 unlikely that one could intend that result. But given
10 the fact the way the statute is written, that is what
11 could occur. It's void.

12 How does one -- is there a threshold? How
13 many days does one have to put in -- how many times does
14 one have to go in to put their money in the bank? If an
15 individual were to cash their paycheck and then simply
16 try to deposit their paycheck, but their intention in
17 doing so was that they didn't save up too much at the
18 house, get up to \$10,000, then have to bring it in,
19 that -- Your Honor, that individual could be guilty under
20 this offense. And if that's the case, we'd be arresting
21 most of, if not all of, Lancaster County.

22 Additionally, I go on to note the statute we
23 would argue also should be found void and quashed in that
24 the statute is over broad. And, again citing the same
25 case, Commonwealth versus Barud, B-a-r-u-d, 545

1 Pennsylvania 297, a statute is over broad if by its reach
2 it punishes constitutionally protected behavior as well
3 as illegal activity.

4 The language of the statute in question
5 literally encompasses a variety of protected lawful
6 conduct. Again, how do we not prosecute everybody in
7 Lancaster County that's putting their money in the bank?
8 If every single person out there is simply saying to
9 themselves, well, I don't want to get to having \$10,000
10 here at the house, at which point I have to put it in and
11 file a form, then this statute reaches out to everyone.

12 If it's truly about unlawful activities, then
13 if one were out there doing unlawful activities and
14 trying to place the money in, that would be a crime, but
15 here, this statute affects every Mary and Joe Citizen if
16 they're simply putting their money in the bank if they
17 ever even have the thought that they could one day have
18 to fill out a form.

19 A governmental purpose to control or prevent
20 activities constitutionally subject to state regulation
21 may not be achieved by means unnecessarily broad and
22 thereby invade the area of protected freedoms.

23 Your Honor, it would be our argument, put
24 your money in the bank any way you want to and that this
25 statute does overreach and get to folks that it ought

1 not. So accordingly, Your Honor, we would argue that for
2 those reasons, that the Counts 1 through 58 should be
3 quashed.

4 THE COURT: Thank you, Counsel.

5 MR. CONRAD: Thank you, Your Honor.

6 THE COURT: Mr. Portman, would you like to
7 respond?

8 MR. PORTMAN: Yes, Your Honor. And I find
9 myself agreeing with Counsel on one issue. It's a strict
10 liability crime; and, second, that there is a dirt of
11 case law on points raised by the defense. However, being
12 a strict liability crime, they have been held
13 constitutional. They are not unconstitutional just
14 because they are a strict liability.

15 The criminal conduct is not the depositing
16 cash in a bank. The criminal conduct arises from doing
17 so in a manner so that a bank does not have to -- or a
18 financial institution does not file a form required by
19 other state or federal law.

20 It's not merely putting the cash in the bank
21 that counts, it's how you do it. That's why it's
22 referred to as structuring. Structuring is a criminal
23 conduct, not depositing the cash. And it would not be a
24 check and if somebody attempted to deposit \$500 in such a
25 fashion as to avoid a bank filling out a CTR, that would

1 be criminal conduct.

2 The legislature, in amending the Statute
3 5111, removed any requirement as to the source of the
4 funds and chose not to put any type of limit on the
5 amount of money involved. So those issues are not
6 relevant for this discussion.

7 And as far as all of Lancaster County, we
8 could include the entire state. Anyone who structures
9 their cash transactions in a manner to make a bank avoid
10 a CTR form would, in fact, be guilty of criminal conduct.

11 I submit, Your Honor, that the statute is
12 constitutional on its face and ask the Court to so find.

13 THE COURT: It's my understanding that having
14 once again reviewed the pretrial motion, we have
15 addressed each of the motions outlined in the pretrial
16 motion that was filed by prior counsel at this point; is
17 that correct?

18 MR. CONRAD: That is correct, Your Honor.

19 MR. PORTMAN: Yes, Your Honor.

20 MR. CONRAD: Your Honor, if I could argue in
21 the alternative, sir, in response?

22 THE COURT: I will allow that.

23 MR. CONRAD: Arguing in the alternative, Your
24 Honor, if I could, it would be our position that because
25 there is no mens rea requirement at all, that the statute

1 in and of itself is unconstitutional. However, if the
2 Court were to uphold the validity of the statute itself,
3 then, Your Honor, the defense would argue in the
4 alternative this: If that is the case, then there is a
5 catchall mens rea that is applied under the Criminal Code
6 under Title 18-302. The catchall mens rea requirement
7 would be that of recklessness.

8 So, Your Honor, in the event that the Court
9 were to uphold the constitutionality of this particular
10 statute, then I would argue in the alternative only,
11 Your Honor, that the mens rea requirement that the
12 Commonwealth would need to meet would not then be a
13 strict liability but rather recklessly, as found
14 in 18-302.

15 I'm sorry. I can give the Court the citation
16 if the Court would so desire. Well, Your Honor, as to
17 recklessness, it would be 302(b)(3), which acknowledges
18 recklessness. And, Your Honor, if the Court would need
19 case law as to the fact that is the default standard, I
20 can certainly provide that if necessary.

21 MR. PORTMAN: Your Honor, if I may. I
22 disagree with Counsel's representation that recklessness
23 is the only level of culpability. 302(c), culpability
24 required unless otherwise provided provides a culpability
25 may be established by intentional knowing or reckless

1 behavior. I submit that in this case, intention and
2 knowing are present and it's not strictly recklessness.

3 THE COURT: Thank you, Counsel.

4 As to the motion to suppress evidence, which
5 would be the first of the omnibus pretrial motions, I
6 find that at all times during the occasion in March
7 of 2006, the defendant was not in custody, was informed
8 he was free to leave and chose not to leave. The
9 defendant was not entitled to any Miranda warning. The
10 defendant was not coerced into making any statement, and
11 any statement made by him, especially those items for
12 which he read from his yellow sheet of paper and wrote
13 down answers, was freely and knowingly and voluntarily
14 given, and at no time was he in the custody of either the
15 New Holland Borough Police or the Attorney General's
16 Office of Pennsylvania. Therefore, the motion is denied.

17 As to the motion to quash, which would be
18 motion number three relative to Count 59, I accept the
19 nol pros of the Attorney General's Office. That issue,
20 therefore, becomes moot.

21 As to the motion to sever in that Count 59
22 has been withdrawn by the Attorney General's Office, the
23 motion to sever is, therefore, also moot. I have already
24 ruled relative to the motion of return of property.

25 And, also, relative to the motion in limine

1 relative to motion number two, which is the motion to
2 quash Counts 1 through 58, I deny defense's motion
3 relative to quashing those counts.

4 Are there any other pretrial matters for the
5 Court's attention in the courtroom?

6 MR. PORTMAN: No, Your Honor.

7 MR. CONRAD: Your Honor, defense would only
8 ask if the Court were to rule as to what the level of
9 culpability will be so we can address that as part of our
10 case in chief. And, also, I would need that for
11 openings.

12 THE COURT: Court will take a 30-minute
13 recess at this point in time and I will come back with
14 that particular --

15 MR. CONRAD: Thank you, Your Honor.

16 MR. PORTMAN: Thank you, Your Honor.

17 (A recess was held.)

18 THE COURT: The last matter before the Court
19 in the pretrial motions is the motion to quash relative
20 to Counts 1 through 58. As I indicated, that motion is
21 denied. Statute 302 of Title 18 is clear under Paragraph
22 (c) that culpability unless otherwise provided. When the
23 culpability is sufficient to establish a material element
24 of an offense is not prescribed by law, such element is
25 established if a person acts intentionally, knowingly or

1 recklessly with respect thereto.

2 That is the ruling of the Court.

3 Specifically regarding issues raised by
4 Counsel, I concur with the Commonwealth and not with the
5 defense that the depositing of one dollar by any Tom,
6 Dick or Harry -- or I believe it was Mary or Joe -- does
7 not violate the statute. Taking a paycheck to the bank
8 does not violate the statute. And, in fact, it is what
9 I'll refer to as the structuring which is what is
10 prohibited by this particular statute. And that's what
11 we will proceed on.

12 At this point in time, prior to the selection
13 of the jury in this matter, I'm going to ask my bailiff
14 to retrieve from the appropriate panel the questionnaires
15 of counsel to have some time to review those prior to
16 bringing the panel in. So I'd appreciate if counsel
17 would remain here. Mr. Battisti will get the
18 questionnaires, bring them to you, give you some time to
19 review those and then I will have Mr. Battisti bring the
20 actual panel members to the courtroom promptly at 1:30.

21 So you may take whatever time you would like
22 with the questionnaires once they are here. The
23 courtroom will be open for your use. I will not be on
24 the bench during your review of those questionnaires.

25 So if you could call for the panel for 1:30

1 and get the questionnaires, I would appreciate that.

2 THE BAILIFF: How many would you like?

3 THE COURT: What's that?

4 THE BAILIFF: 36, 35?

5 THE COURT: Why don't we go with 35. That
6 gives us sufficient room. We'll have jurors seated both
7 in the two rows behind you as well as in the jury box for
8 the purpose of voir dire.

9 MR. CONRAD: Your Honor, if I could, just as
10 a matter that would have come up as a result of this
11 morning. First of all, not to be -- in all deference to
12 the Detective, Detective Heisse had indicated that he
13 knew my client from the past. As a motion in limine here
14 this morning, I only ask that the Detective not be able
15 to indicate that only because that would bring into
16 suspect as to why he would have known him from the past.
17 So I would ask that as a motion in limine here this
18 morning.

19 MR. PORTMAN: No problem with that, Your
20 Honor.

21 THE COURT: Detective, I would direct that
22 subject to your being asked that question by defense
23 counsel and it's an appropriate answer, that you not talk
24 about how you would have known or how long you would have
25 known him prior to the date of that first meeting set up

1 at Council Chambers.

2 DETECTIVE HEISSE: That's fine, Your Honor.

3 MR. CONRAD: One last matter. And, again,
4 just so we have an understanding how we're proceeding
5 through trial, and I would rather do it now, if we could.
6 With regard to the statement that the Commonwealth
7 addressed, obviously they did not put the statement into
8 evidence at this point, just that the Court has ruled
9 that it could come into evidence.

10 The question would be this: The statement
11 was a written statement made by my client. There are
12 portions that, obviously, the Commonwealth would like to
13 have, there are probably other portions they would not
14 like to have. But I would like to have a ruling up front
15 if they intend to introduce it, we would have the right
16 to have the entire document introduced.

17 Again, Your Honor, that goes to opening the
18 door. Certainly as we noted and the Court has ruled, the
19 motion in limine prohibits any testimony as to the
20 underlying or where these funds came from, but what is
21 relevant to the case is that gentleman claims that he
22 pulled at least some of these monies out of his bank
23 account prior to the new millennium, and that is
24 addressed in this statement that the Commonwealth has
25 fought to keep in. Additionally, some of the workers at

1 -- the bank workers would have knowledge of hearing
2 similar statements as they dealt with my client.

3 So I don't want to open up the door. I don't
4 want to cause any alarm, but certainly if we're going to
5 go there, I should at least be able to question about the
6 statement itself and ask the bank personnel about the
7 statement or things that would confirm that.

8 THE COURT: Is there any objection to either
9 counsel having me see the statement in advance?

10 MR. PORTMAN: Not from the Commonwealth, Your
11 Honor.

12 MR. CONRAD: No objection, Your Honor.

13 THE COURT: If there's a copy that would be
14 available to the Court or if you would like a copy made,
15 Mr. Portman or Mr. Conrad, Mr. Battisti will be more than
16 glad --

17 MR. CONRAD: I think I have an extra copy
18 here. If you would like this.

19 THE COURT: Are the scribbles in the document
20 as it was seized at the time of the search warrant?

21 MR. PORTMAN: If I could just briefly, Your
22 Honor, just --

23 MR. CONRAD: I did not scribble on it.

24 THE COURT: Appears to be the same pen,
25 but --

1 MR. PORTMAN: Yes, Your Honor, they should be
2 on the original, which we have just confirmed with
3 Counsel.

4 THE COURT: Did you want to respond at all,
5 Mr. Portman, to Counsel's request?

6 MR. PORTMAN: I have no objection, Your
7 Honor, to his request to get into the entire document.

8 THE COURT: Very well.

9 MR. CONRAD: Thank you, Your Honor. Thank
10 you.

11 THE COURT: Again, if you would just remain
12 until you get the materials from Mr. Battisti, then we'll
13 reconvene at 1:30 for the selection of the jury.

14 MR. PORTMAN: Thank you very much, Your
15 Honor.

16 MR. CONRAD: Thank you, Your Honor.

17 MR. PORTMAN: Your Honor, if I may, will the
18 courtroom be locked during the lunch recess?

19 THE COURT: Yes, it will be. As soon as you
20 gentlemen are finished with the questionnaires,
21 Mr. Battisti will see that everything is locked up.

22 MR. PORTMAN: Thank you, Your Honor.

23 MR. CONRAD: Thank you, Your Honor.

24 (The luncheon recess was held.)
25

A F T E R N O O N S E S S I O N

(1:40 p.m.)

THE COURT: Good afternoon. My name is Judge Knisely and this is Courtroom 3.

You've been summoned to this courtroom to participate in a case in which Levi L. Stoltzfoos has been charged with 58 counts of dealing in proceeds of unlawful activity arising out of incidents alleged to have taken place between January 6th and February 11th of 2006 at various locations in Lancaster County in which the complainant is Daniel Licklider of the Office of the Attorney General.

The Deputy Attorney General trying this case today is Stevan Portman and defense counsel is Jeffrey Conrad, who represents Levi Stoltzfoos.

MR. CONRAD: Good afternoon, folks. Good afternoon.

THE COURT: And will be assisted by Leonard --

MR. BROWN: Brown. Good afternoon.

THE COURT: This matter is of gravest importance to both the defendant and the Commonwealth of Pennsylvania.

I'm going to discuss with you certain basic principles that apply to a criminal trial and I ask that

1 you listen very carefully to what I have to say. Later
2 you will be questioned about these principles by myself
3 and perhaps by counsel.

4 At the beginning, I must tell you that if you
5 are selected to be a member of the trial jury, it will be
6 your duty to apply the law as I explain it to you. That
7 will be part of your oath as a juror in this matter.

8 It would be highly improper to permit each
9 juror to decide himself or herself what law to apply in
10 the trial of a criminal case. The law which applies in
11 the trial of a criminal case must be in accordance with
12 the Constitution of the United States, Constitution of
13 the Commonwealth of Pennsylvania, the Rules of Criminal
14 Procedure as established by the Supreme Court of
15 Pennsylvania.

16 It is the responsibility of the Judge to tell
17 the jury what the law is, and it will be your duty to
18 apply the law as I give it to you if you are selected as
19 a member of the trial jury. If you cannot or will not do
20 this, you should not be a juror in this case.

21 The defendant is charged in this case with
22 certain crimes. The charges are not evidence.

23 Just because a person has been arrested, held
24 for court by a judge, had an Information issued by the
25 Attorney General's Office and was brought here for trial

1 is not evidence of guilt. Charges are only charges.
2 This is because all persons who come before the Court for
3 trial are presumed innocent. And this presumption of
4 innocence remains with them until such time as the
5 Commonwealth of Pennsylvania, through the Deputy Attorney
6 General, presents evidence in open court which proves the
7 defendant's guilt beyond a reasonable doubt. What a
8 reasonable doubt is will be explained to you if you are
9 selected to be a member of the trial jury.

10 At this time, I will just mention that
11 reasonable doubt does not mean beyond any doubt. It
12 means beyond a reasonable doubt. The burden of proof is
13 on the Commonwealth throughout the trial and relates to
14 all of the elements of the crimes charged against the
15 defendant.

16 In determining the guilt or innocence of the
17 defendant, the only evidence that may be considered is
18 evidence that comes from the witness stand here in open
19 court. The charges themselves are not evidence of guilt.

20 It is unlikely, but some of you may have read
21 about this case or you may have heard about this case.
22 If so, you must put that out of your minds, especially
23 anything that came out of the newspapers or any kind of
24 publication, because if you are selected to be a juror
25 for this trial, it will be your duty to decide this case

1 solely and entirely on the basis of the evidence offered
2 from the witness stand.

3 The law says that a defendant is presumed
4 innocent until such time as the Commonwealth proves
5 beyond a reasonable doubt his guilt, and that cloak of
6 innocence remains with the defendant throughout the
7 entire trial and right into the jury room where the jury
8 begins to deliberate on its verdict. That is the
9 principle which each of you must accept or you should not
10 serve as a juror in a criminal case.

11 There is another important point of
12 constitutional law that I want to explain to you. The
13 defendant does not have to produce any evidence in his
14 defense; neither does the defendant have to take the
15 witness stand. This must clearly be understood and
16 accepted by you.

17 Every criminal defendant has a constitutional
18 right to say to the Attorney General, you made the
19 charges, you have the burden of proving them, go ahead
20 and try and do that. You must understand that a
21 defendant does not have to testify or produce evidence,
22 and that during the trial the jury may not draw any
23 inference adverse to the defendant if that turns out to
24 be the situation in this case. Jurors must keep a
25 completely open mind during the trial with respect to

1 guilt or innocence of the defendant until all of the
2 evidence has been presented, until the lawyers have made
3 their closing speeches and until I've instructed the
4 jurors in the law which they will apply to the facts as
5 they find them. Until then, members of the jury will not
6 be sufficiently informed about this case to deliberate on
7 their verdict.

8 Some of you may say to yourselves, well,
9 before I could make up my mind, I would have to hear both
10 sides. That is not proper in a criminal case because as
11 I have explained to you, the defendant does not have to
12 present any evidence. He does not have to take the
13 witness stand himself. He does not have to present his
14 side and the jury cannot hold that against him. The
15 burden is on the Commonwealth to prove guilt beyond a
16 reasonable doubt by its own evidence.

17 If the Commonwealth's evidence does not
18 convince the jury that the defendant is guilty beyond a
19 reasonable doubt, the verdict of the jury must be not
20 guilty even though the defendant did not take the stand
21 and did not present any evidence. Of course, if the
22 defendant chooses to take the stand or if the defendant
23 does present evidence, the jury may also consider that
24 evidence in determining whether or not the Commonwealth
25 has proved the defendant guilty beyond a reasonable

1 doubt.

2 Some of you may be concerned about the nature
3 of the charges against the defendant which are entitled
4 dealing in proceeds of unlawful activity. I must tell
5 you that if you are selected as a member of the trial
6 jury, it will be no part of your duty to consider the
7 nature of the charges. By that I mean if a different
8 charge could have been made in this case, the only
9 function of the jury will be to determine fairly and
10 impartially from the evidence presented in this case
11 whether any of the crimes charged have been committed
12 and, if so, whether or not the defendant committed any of
13 those crimes.

14 Jurors have the duty of determining what the
15 facts are in a case. To do so they have to pass upon the
16 credibility; that is, the believability of the witnesses
17 in the case. What were their opportunities to see, hear
18 and to understand?

19 No one comes before a jury with a ticket
20 entitling him or her to be believed. The jury is the
21 final and only authority to determine who is to be
22 believed and to what extent.

23 The trial jury may not consider the
24 credibility -- that is, the believability -- of any
25 particular witness by any different standard than it

1 determines the credibility of any other witness in a
2 case. When a witness is called by the Attorney General's
3 Office or by the defendant, the witness' credibility as
4 to truthfulness and accuracy is to be evaluated by the
5 same standards.

6 For example, the jury should not believe the
7 testimony of a law enforcement official just because that
8 person is a law enforcement official, nor should the jury
9 disbelieve the testimony of a law enforcement official
10 just because that person is a law enforcement official.
11 The jury should evaluate the credibility and the
12 testimony of a law enforcement officer in the same way
13 and to the same extent as the testimony of a civilian.

14 We'll soon begin the actual selection of the
15 jury for this trial, but before we do I would like to
16 caution you concerning one matter. Starting now and
17 regardless of whether or not you are selected as a juror
18 for the trial of this case, you are not to discuss this
19 case with any of the people involved in it, with anyone,
20 not even among yourselves, until you retire to deliberate
21 upon your verdict. Just do not speculate or talk about
22 it.

23 Certainly do not permit anyone to speak with
24 you about this case. If someone does try and engage you
25 in a discussion about this case, do not answer, but

1 report that to me immediately so that I may be aware of
2 it and take whatever steps are necessary to ensure a fair
3 and impartial trial.

4 You must also carefully avoid reading,
5 watching or listening to any news accounts of the case or
6 the trial. The case must be decided solely upon what you
7 see and hear in this courtroom during the course of this
8 trial.

9 From this panel or any additional panels, if
10 necessary, 14 jurors will be selected by the Commonwealth
11 and the defendant. Of these 14 jurors, the first 12 will
12 constitute the jury for the trial. The other two will be
13 alternate jurors who will serve only if one of the
14 original jurors is unable to serve until the end of the
15 trial. If the original 12 are intact at the time the
16 jury is about to retire to deliberate upon the verdict in
17 this case, those 12 will decide the matter of guilt or
18 innocence of the defendant and the alternate jurors will
19 be excused.

20 If you are going to go -- I'm sorry. We are
21 going to go through the selection procedure here, which
22 is routine in the sense that this is what occurs in the
23 preparation of all jury trials in criminal cases. The
24 objective is to be able to obtain a fair and impartial
25 and unprejudiced jury. It's for that reason that you

1 will be questioned about your background, your
2 activities, your knowledge and so forth. No one should
3 deliberately attempt to avoid serving on this jury nor to
4 make a special effort to get on this jury.

5 You'll be asked a series of questions that
6 are designed to disclose if you're qualified to serve as
7 a juror in this case and whether or not you should be
8 excused for cause. Please bear in mind that these
9 questions are not intended to be an invasion of your
10 privacy or an improper inquiry into personal affairs.
11 This is an important procedure that is simply a necessary
12 part of the preparation for the trial of this case. You
13 should answer the questions that are put to you with
14 complete candor and honesty.

15 In addition to being excused by the Court for
16 cause, the Attorney General and the attorney for the
17 defendant each shall have a right to a limited number of
18 what are called peremptory challenges. That is the right
19 counsel may use to exercise to excuse jurors without
20 disclosing any reason for doing so.

21 Your answer to the questions I'm about to
22 address to you will indicate how you should be further
23 questioned by them as to your qualifications to be
24 members of the trial jury when you are later questioned
25 individually.

1 I will now direct the clerk to collectively
2 swear or affirm the entire panel of prospective jurors
3 for voir dire.

4 (The jury panel was sworn.)

5 THE CLERK: You may be seated.

6 THE COURT: Thank you. Members of the panel,
7 if any of the questions which I'm about to ask applies to
8 you in any way, you should rise and when asked, to
9 provide your juror number. Remain standing until you are
10 given leave to resume your seat. If no member of the
11 panel rises, I will conclusively assume that the question
12 does not apply to any member of the panel.

13 It is most important that if any of these
14 questions do apply to you, that you rise and identify
15 yourself to the Court. If you are not certain as to
16 whether these questions do or do not apply to you, you
17 should rise and respond to a particular question so that
18 it can be explored later.

19 Please remember that you are under oath to
20 rise if any of the questions apply to you in any way. If
21 you fail to rise when you should, it may constitute
22 contempt of court or perjury.

23 As I said, I will ask you questions as a
24 group. We'll not ask for individual responses initially.
25 If a question applies to you, you will rise, give your

1 juror number when asked, and I will discuss with you
2 individually how the question applies with you. Counsel
3 for both sides may also pursue the answers you have given
4 to my questions and may ask some other questions.

5 Again, I want to emphasize that no one's
6 attempting to embarrass you, and I am certain that the
7 great majority of the questions and answers will not be
8 embarrassing to anyone. However, if there is any
9 particular question that you are asked that you would
10 rather not answer in open court but at sidebar, all you
11 have to do is indicate that you would rather answer at
12 sidebar.

13 Now, again, as I ask these questions, if they
14 apply to you, just simply rise. We'll give you an
15 opportunity and I will point to you and we'll just ask
16 you for your number, and then all of us will have the
17 opportunity to jot that number down. Okay.

18 Is any member of the panel under the age of
19 18, or is any member of the panel not a citizen of the
20 United States or not a resident of Lancaster County?

21 Has any member of the panel been convicted of
22 a crime punishable by imprisonment of more than one year
23 and has not been granted a pardon or amnesty for that
24 offense? If any of those things apply to you, please
25 rise.

1 A JUROR: Ninety-six.

2 THE COURT: Ninety-six. Thank you.

3 Next question, is any member of the panel
4 unable to understand the English language or do any of
5 you have any difficulty in understanding the English
6 language? If so, please rise. I see no response.

7 Do any of you have any physical, mental or
8 emotional disability which would make it difficult for
9 you to hear and concentrate upon the testimony of the
10 witnesses in this case? If so, please rise.

11 A JUROR: I have a hearing problem.

12 THE COURT: Just your number, sir.

13 A JUROR: One twenty-six.

14 THE COURT: Thank you very much.

15 The defendant in this case is Levi L.
16 Stoltzfoos. Mr. Stoltzfoos, would you rise so that they
17 can see you from both directions please.

18 Counsel for Mr. Stoltzfoos is Jeffrey Conrad.
19 I had introduced him earlier.

20 The name of the Deputy Attorney General who
21 will represent the Commonwealth in this case is Stevan
22 Portman.

23 Are any of you related by blood or marriage
24 or do any of you have a close association with the
25 defendant, the defense counsel or the Deputy Attorney

1 General? If so, please rise. I see no response.

2 I will now ask the Deputy Attorney General to
3 tell you the names of the witnesses that he may call,
4 persons whose names may be mentioned in the trial of this
5 case. If any of you are related by blood or marriage or
6 have a close association with any of those potential
7 witnesses, I'm going to ask you to rise once he has given
8 that list of witnesses to you.

9 (Reporting of the voir dire is waived by
10 counsel.)

11 THE COURT: Thank you.

12 At this point in time, I'm going to have the
13 clerk swear in the jury. You will listen to his remarks,
14 respond appropriately and then we're going to have
15 Mr. Battisti take you back to the jury room for about a
16 15-minute break before we begin.

17 THE CLERK: Would you please rise.

18 (The jury was sworn.)

19 THE COURT: Thank you. Counsel, at this
20 point in time, we'll take a 15-minute recess, give
21 everybody an opportunity to go back.

22 Mr. Battisti, if they need a little bit
23 longer, please let me know.

24 (A recess was taken.)

25 THE COURT: Members of the jury, you are

1 about to perform one of the most serious duties of
2 citizenship. You're going to decide whether a fellow
3 citizen is guilty of a criminal charge brought by the
4 Commonwealth of Pennsylvania.

5 The way you jurors do your job is as
6 important to the administration of justice as the way I
7 do mine as Judge and the way the lawyers do. Pay close
8 attention to everything that is said and done in this
9 courtroom so that you can perform those duties well.

10 The Commonwealth has charged the defendant
11 with 59 -- I'm sorry, 58 counts of what is entitled
12 dealing in proceeds of unlawful activities. This charge
13 is made through a formal document called an Information.

14 An Information is only an accusation. It is
15 not any proof that the defendant is guilty. Under our
16 constitution, the defendant is presumed innocent unless
17 and until he's proven guilty. I'm sorry. The Deputy
18 Attorney General, as counsel for the Commonwealth, has
19 the burden of proving him guilty beyond a reasonable
20 doubt.

21 The defendant has the right to remain silent
22 and to present no evidence. You must not hold it against
23 the defendant if he happens to choose not to testify at
24 trial.

25 I shall describe to you in a general way what

1 will take place. First, the Deputy Attorney General may
2 make an opening statement in which he will outline the
3 Commonwealth's case against the defendant. The
4 defendant's attorney may make an opening statement
5 outlining the defense's case either immediately following
6 the Deputy Attorney General's opening statement or at a
7 later time in the trial.

8 Next, the Deputy Attorney General will
9 present his evidence. He may call witnesses to testify
10 and he may offer such exhibits or documents or physical
11 evidence as he chooses. The defense counsel has the
12 right to cross-examine witnesses called by the Deputy
13 Attorney General in order to test the truthfulness and
14 accuracy of their testimony.

15 After the Commonwealth has presented the
16 Commonwealth's case, defense counsel may present evidence
17 for the defendant. The defendant has no obligation to
18 offer any evidence or to testify himself. The
19 Commonwealth may, of course, cross-examine any witnesses
20 that may be called by the defense.

21 After all the evidence has been presented,
22 counsel for both sides will have the opportunity to make
23 their closing arguments to you. At that point, I shall
24 give my final charge, which will include the instructions
25 on the rules of law that apply to this case and whatever

1 additional guidance I think you will need for your
2 deliberations. You will then retire to the jury room to
3 deliberate and decide what your verdict will be.

4 It is my responsibility to decide all
5 questions of law. You must follow my rulings and
6 instructions on the matters of law whether or not you
7 agree with them. I may give you other instructions
8 during the trial in addition to these preliminary
9 instructions in my final charge.

10 You should consider all of my instructions as
11 a connected series. They constitute the law which you
12 must follow.

13 I am not, however, the judge of the facts.
14 It is not for me to decide what are the true facts about
15 the charge against this defendant. You, the jurors, are
16 the sole judge of the facts.

17 It will be your responsibility at the end of
18 trial when you deliberate to evaluate the evidence and
19 from the evidence find what the facts are. You will
20 apply the rules of law, which I give to you, to the facts
21 as you find them to decide whether this defendant has
22 been proven guilty or whether he will be not guilty.

23 While you are deciding the facts of this
24 case, you will have to judge the credibility and weight
25 of the testimony and other evidence. By credibility I

1 mean truthfulness and accuracy. When you judge the
2 credibility and weight of a witness' testimony, you are
3 deciding whether you believe all, part or none of his or
4 her testimony and how important that testimony is.

5 Use your understanding of human nature and
6 your common sense. Observe each witness as he or she
7 testifies. Be alert for anything in his or her own
8 testimony or behavior or for anything in the other
9 evidence that might help you judge the truthfulness,
10 accuracy and weight of that evidence.

11 Each of you must keep an open mind throughout
12 the trial. You should avoid forming opinions about the
13 guilt or innocence of the defendant or about any other
14 disputed question until the trial has ended and you begin
15 your deliberations.

16 Do not talk with each other about the
17 evidence or any other matter relating to whether the
18 defendant has been proven guilty until I send you to the
19 jury room to deliberate on your verdict. Only then will
20 you know enough about the case, the evidence and the law
21 to discuss it intelligently and fairly. When you
22 deliberate on your verdict, the law allows you to
23 consider only the evidence, arguments and instructions
24 that were presented to you properly.

25 You must avoid anything that might result or

1 appear to result in your being exposed to outside
2 information or influences. More specifically, do not
3 talk with anyone else about this case or listen to others
4 talk about this case until the trial is completely over
5 and I discharge you as jurors. Do not even discuss the
6 case with members of your family, close friends or court
7 personnel.

8 There are some people with whom you should
9 not have any conversation at all, even casual
10 conversation. These people are the defendant, counsel
11 for both sides and the witnesses.

12 Do not read, listen or watch anything about
13 this case in the newspapers, magazines or on radio or
14 television. Do not try to get information relative to
15 this case on your own. Do not make any investigation, do
16 any research, visit the scene of any of the offenses that
17 are alleged or conduct any experiment. Your only
18 information about this case should come to you while
19 you're all together here acting as a jury in the presence
20 of myself, the attorneys and the defendant.

21 As I told you earlier, you are the sole
22 judges of the facts and of the credibility and weight of
23 the evidence. You must rely on your own recollection and
24 evaluation of the evidence during your deliberations and
25 not mine or counsel's. You are not bound by any opinion

1 that counsel or I might express about the guilt or
2 innocence, credibility or weight of the evidence, facts
3 proven by the evidence or inferences to be drawn from
4 those facts.

5 An inference is a deduction. For example, if
6 everything is wet outdoors, you might infer it had been
7 raining. You should consider the statements and
8 arguments of counsel carefully even though they are not
9 binding on you as they are not evidence. You may be
10 guided by them if the statements and arguments are
11 supported by the evidence and appeal to your reason and
12 judgment.

13 The questions that counsel put to witnesses
14 are not evidence. The same is true of any questions that
15 I might ask. You should not guess that a fact is true
16 because one of the attorneys or I ask a question about
17 it. It is the witnesses' answers that provide the
18 evidence.

19 Part of my job is to rule on any objections
20 to evidence made by counsel. If I decide the evidence is
21 admissible, I will overrule the objection. This simply
22 means that you are entitled to hear and consider the
23 evidence. On the other hand, if I decide the evidence is
24 inadmissible, I will sustain the objection. This means
25 that you are not entitled to hear the evidence.

1 Sometimes I may order evidence stricken from
2 the record after you have heard it. Whenever I sustain
3 an objection or order evidence stricken from the record,
4 you must completely disregard that evidence when deciding
5 the case.

6 Counsel and I may have to deal with matters
7 that you are not supposed to know about. When one of
8 these matters comes up, counsel and I may discuss it at
9 sidebar, or in front here, or in my chambers or in the
10 courtroom after I have asked you to leave. Please do not
11 try and guess what we are talking about. While we are
12 discussing matters at the bench, feel free to stand or
13 converse quietly among yourselves on any matter unrelated
14 to this case.

15 Do not concern yourself with what the penalty
16 might be should you find the defendant guilty. The
17 question of guilt and punishment are totally separate
18 questions. If you do find the defendant guilty, it will
19 become my responsibility as Judge to fix the penalty.

20 Whatever your verdict, it will have to be
21 unanimous to be valid. All of you will have to agree on
22 it or there will be no verdict.

23 In the jury room, you will discuss the case
24 among yourselves, but ultimately each of you will have to
25 make up his or her own mind; therefore, each of you has

1 the responsibility which you cannot avoid. You must do
2 your best throughout the trial to fulfill that great
3 responsibility.

4 As I indicated to you, there will be
5 permitted in this particular case the taking of notes.
6 Once counsel has finished their opening argument, should
7 both counsel decide to make them today, I will go over
8 with you first thing in the morning relative to the rules
9 and regulations regarding note taking.

10 Mr. Portman, would you like to address the
11 jury?

12 MR. PORTMAN: Thank you.

13 Good afternoon, ladies and gentlemen. As I
14 indicated earlier, my name is Stevan Kip Portman. I'm a
15 Deputy Attorney General. I represent the Commonwealth in
16 this case.

17 I'd like to first free your minds of anything
18 you've seen on television regarding criminal trials.
19 That is not reality. That is make-believe. Cases are
20 settled within an hour and the good guy always wins.
21 This is a real, live case.

22 This involves an allegation by the
23 Commonwealth that beginning on or about January 6th
24 of 2007 -- excuse me, 2006, the defendant, Levi
25 Stoltzfoos, started on a pattern of structuring cash

1 deposits in banks. That is he took \$540,200 and over a
2 six-week period made 58 separate deposits ranging
3 anywhere from \$5200 to \$10,000 on 58 separate occasions
4 involving ten banks located within Lancaster County,
5 Pennsylvania. And that he did so for one purpose and one
6 purpose only. That was to prevent the government from
7 knowing that he had that money.

8 If he had made deposits of \$10,000 -- in
9 excess of \$10,000, each bank would have had to fill out a
10 form called a Cash Transaction Report, which is required
11 by the federal government. That puts the government on
12 notice that this money has been deposited and it's cash.

13 That is the entire case merely in a
14 nutshell. Fifty-eight transactions to avoid having banks
15 do what they're required to do under the law, which is
16 fill out a Cash Transaction Report.

17 To prove to you that occurred, you're going
18 to hear testimony from Special Agent Licklider from the
19 witness stand regarding how he started the investigation
20 when he received information from the bank -- excuse me,
21 Susquehanna Bancshares from one of their employees that
22 called him and notified him of some activity going on by
23 Mr. Stoltzfoos in the banks in Lancaster County. And
24 that through his investigation, Mr. Licklider obtained,
25 from each of those ten banks, copies of cash-in tickets

1 and the deposit slips filled out by Mr. Stoltzfoos for
2 each one of those 58 separate transactions. He will
3 identify the documents received.

4 Then you will hear from bank representatives
5 from each of those ten banks who will testify as to the
6 authenticity of those documents and, in fact, they were
7 presented at their bank, and that Mr. Stoltzfoos
8 presented cash coinciding with those deposit tickets,
9 proof through the cash-in tickets.

10 Although the statute, as the Judge read,
11 indicates that it's dealing in proceeds of unlawful
12 activities, that's just the name of the statute. What
13 we're alleging in this case is that Mr. Stoltzfoos'
14 transactions, what he did was to avoid the banks filling
15 out a Cash Transaction Report, a report required under
16 federal or state law.

17 And after you've heard all that testimony, I
18 submit that you will agree with me that Mr. Stoltzfoos'
19 only reason for making those 58 transactions was to
20 prevent the government from knowing about his cash.
21 Thank you.

22 THE COURT: Mr. Conrad, would you like to
23 open at this time?

24 MR. CONRAD: Yes. Thank you, Your Honor.

25 May it please. Mr. Portman. Ladies and

1 gentlemen of the jury, it is a pleasure to finally get a
2 chance to get in front of you on this case. Since I was
3 brought on board here to help out Levi Stoltzfoos, I've
4 been waiting for this opportunity to get in front of you
5 folks because you've never heard a case like you're about
6 to hear.

7 Folks, this young man over here, my client,
8 this is Levi Stoltzfoos. This young man grew up right
9 here in Lancaster County. He grew up in an Amish family.
10 And what you're going to hear is this young man is
11 terrifying the government.

12 He has worked for 22 years. He lives with
13 his mom and dad who are, in fact, Amish and he's afraid
14 of the federal government. He's afraid they'll take his
15 money. And guess what? They did. I'm sorry, not the
16 federal government. The government. He's afraid they'll
17 take his money and they did.

18 Why did they take his money? Well, Levi
19 Stoltzfoos wanted to put his money in the bank, cash
20 money in the bank so he could get some interest and buy a
21 truck. So he knows about a form. There's a form as the
22 government pointed out, a banking form. And the banking
23 form has to be filled out for transactions over 10,000
24 bucks.

25 Well, here's Levi Stoltzfoos. And you'll

1 hear about an eighth grade education that he has. And,
2 let's see, going to put money in the bank, don't like the
3 federal government, I'll just put it in nine grand at a
4 time or \$9,000, as the government pointed out, \$5,000 or
5 whatever, but he's going to put it in under the limit.
6 Why? He's afraid of the federal government.

7 So what's he do? Well, he starts putting his
8 money in the bank. And he went to, here in Lancaster
9 County, numerous banks. And I'm sure, as counsel pointed
10 out, you're going to hear from each one of those banks,
11 banks here in Lancaster County that want to do business
12 with folks. Why? Because they want to collect their
13 money. Sign out a form, I want a banking account, I want
14 a savings account, I want a checking account. That's
15 what I want to do.

16 Now, you come in, the people you trust,
17 deliver your money. And as you'll hear, he's doing
18 something that apparently is illegal. Apparently if you,
19 in fact, do this and structure your money to put it in
20 this way, it's a crime.

21 So what you're going to hear is the ten
22 different banks that he deals with and the folks that
23 work at those banks as they see -- and you'll hear the
24 testimony they see this man bringing in the money under
25 the 10,000-dollar limit. Not once does anybody walk up

1 to this simple man and simply say, sir, if you put your
2 money in that way, it's a crime. You could be
3 incarcerated and they'll take every penny that you own.
4 Every penny. Not once does anybody do that. So he can
5 put his money in like that until one day the police come
6 and arrest the man.

7 Before today, I'm an attorney. Been an
8 attorney for years. Forty-one years of age. Did you
9 know that was a crime? Dealing in proceeds of unlawful
10 activities. A person commits the offense of dealing in
11 proceeds of unlawful activities if the person conducts a
12 financial transaction under any of the following
13 circumstances: To avoid the reporting under state or
14 federal law.

15 Man, put my money in under ten grand a couple
16 of times. And guess what? They're going to take it all.

17 Well, I submit to you folks in this
18 particular case, this man is afraid of the federal
19 government and this man wants to put his money in the
20 bank. And this man does exactly what the Commonwealth
21 said. He put numerous amounts of money in.

22 Pictures taken everywhere he goes. He's
23 smiling as he comes into the bank. He's going about his
24 business. Doesn't hide anything. Good morning. Here's
25 my money. Good morning. Over here, here's my money.

1 Conduct that is criminal, conduct that needs prosecuted,
2 conduct for which this man needs to have all his money
3 taken, it's not in this case.

4 The Commonwealth has to show that he's
5 reckless. That's the standard you guys are going to hear
6 about. And the Judge is going to talk to you about that.
7 Anything that has to do with the law the Judge will have.
8 Anything that has to do with the facts, you folks will be
9 the final -- you'll have the final say on that. And
10 you're going to get a chance to hear all the facts in
11 this case.

12 I submit to you that when we get all done
13 with this case, you're going to find out that this young
14 man did, in fact, put his cash money in, he put it in
15 under \$10,000 and that he did so innocently. No crime.
16 And we'll come back at the end and argue exactly that,
17 that the conduct that Levi Stoltzfoos, one of our people
18 here in Lancaster County, grew up Amish, the conduct that
19 he did, did not rise to the level of the offense that the
20 government has charged him with in this case. And we'll
21 ask you to keep your eyes and ears open and listen to all
22 of it, as I'm sure you will, and we'll come back and
23 argue at the end that he is not guilty of this charge.

24 Thanks, folks. Thank you, Your Honor.

25 THE COURT: Members of the jury, at this

1 time, there will be quite a number of witnesses; many of
2 them, of course, like yourselves, coming from what I'll
3 call professional banking institutions. The reason that
4 I bring that to your attention is solely because we've
5 now heard the opening comments by each side and at this
6 point we're going to break for the day. We will begin
7 testimony promptly at 9:00 tomorrow morning.

8 Mr. Battisti will direct you exactly where to be, when to
9 be, and also to wear those juror buttons.

10 I'm going to excuse you until tomorrow
11 morning. As I said, trial will resume with taking of
12 testimony at nine a.m.

13 I ask that you report back to the jury room
14 no later than -- Mr. Battisti, what would you like?

15 THE BAILIFF: 8:45.

16 THE COURT: -- no later than 8:45. You're
17 certainly welcome to come earlier than that. 8:30 is
18 fine.

19 Please remember you have now heard just a bit
20 about this case from both counsel. You are not to
21 discuss this case among yourselves or with anyone else.
22 You are not to conduct any experiment, visit any scenes
23 or make any other individual investigation of any of the
24 facts of this case. You are not to read, listen or watch
25 any media accounts of this case. Please wear your jury

1 buttons in a conspicuous place at all times when you are
2 around the courthouse environs.

3 I thank you for your service so far and we'll
4 see you bright and early tomorrow morning. Thank you
5 very much.

6 (The jury left the courtroom.)

7 THE COURT: Counsel, do you expect any
8 preliminary matters before we begin tomorrow morning?

9 MR. PORTMAN: No -- just one. I would ask
10 the Court to address the jury on Mr. Conrad's
11 misstatement of the law when he said that the burden is
12 reckless when the Court in the pretrials ruled that it
13 wasn't strictly reckless. You said it was intentional,
14 knowingly, reckless under 302(c). I'd ask for a
15 cautionary instruction, Your Honor, tomorrow morning with
16 the jury.

17 THE COURT: Thank you, sir. Any expectation
18 you'll need to see me before we begin testimony in the
19 morning?

20 MR. PORTMAN: No, Your Honor.

21 MR. CONRAD: No, Your Honor. Only my
22 response to that's the lowest standard -- there are
23 three, as the Court will instruct certainly at the end,
24 and that's just simply the lowest. In other words --
25 only argue there's no need for a cautionary instruction,

1 Your Honor. It's simply the Court will address that
2 clearly throughout the trial or at the end of the trial.

3 THE COURT: Very well. Then I would ask
4 everybody to be seated at approximately 8:45 tomorrow
5 morning so we can begin promptly at 9:00 with the calling
6 of witnesses. Thank you all very much.

7 MR. CONRAD: Thank you, Your Honor.

8 (The proceedings recessed at 3:55 p.m.)
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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that I was present upon the hearing of the above-entitled matter and there reported stenographically the proceedings had and the testimony produced, and I further certify that the foregoing is a true and correct copy of my said stenographic notes.

In testimony whereof, I have hereunto subscribed my hand this 17th day of June, 2008.



Susan A. Milton
Official Court Reporter

AND, NOW, _____,

this transcript is approved and ordered to be filed.

Howard F. Knisely, Judge

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER
CRIMINAL

DEFENSE ATTORNEY

COPY

COMMONWEALTH OF PENNSYLVANIA :

vs. :

Number 5995-2006

LEVI L. STOLTZFOOS :

JURY TRIAL
VOLUME 2 OF 4

Before: Honorable Howard F. Knisely, Judge

Date : Tuesday, May 6, 2008

Place : Courtroom No. 3
50 North Duke Street
Lancaster, Pennsylvania 17602

APPEARANCES:

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ORDERED 5-16-08 LODGED _____ FILED _____

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P R O C E E D I N G S

(9:02 a.m.)

THE COURT: As you can tell, it's not always the easiest thing driving to the City of Lancaster. I encourage you -- and I know that the radio is not always accurate as to where accidents are and so forth, but please be mindful of that for tomorrow.

The Court has two items that I need to bring to your attention before the first witness is called. First of all, defense counsel, in his opening comments, indicated the culpability in this case is the standard of recklessness. Although that is a correct statement, it is not actually a complete statement. And so I'm going to just read to you very briefly the applicable law.

When the culpability is sufficient to establish a material element of the offense as prescribed by law, such element is established if a person acts intentionally, knowingly or recklessly with respect to that.

We'll come back to that in my final instructions, but I just wanted you to have three possible ways of culpability.

Second, you now have packets on your seats or on your laps and that is regarding note taking. I'm required to give you instructions relative to note

1 taking, and so I would like you to listen to these
2 instructions and at the end I will direct you as to what
3 you may do with your packets.

4 You will be distributed notepads and pens in
5 the event you wish to take notes during the trial.
6 You're under no obligation to take notes and it is
7 entirely up to you whether you wish to take notes to help
8 you remember what witnesses said and to use them during
9 your deliberations.

10 If you do take notes, remember that one of
11 your responsibilities as a juror is to observe the
12 demeanor of witnesses to help you assess their
13 credibility. Do not become so involved with note taking
14 that it interferes with your ability to observe the
15 witnesses or it distracts you from hearing the questions
16 being asked the witnesses and the answers given by the
17 witnesses.

18 Again, the witnesses will all be testifying
19 from the witness stand right here. Your notes may help
20 you refresh your recollection of the testimony and should
21 be treated as a supplement to rather than a substitute
22 for your memory. Your notes are only to be used by you
23 as memory aids and should not take precedence over your
24 independent recollection of the facts.

25 Those of you who do not wish to take notes

1 should not be overly influenced by the notes of other
2 jurors. It is just as easy to write down something
3 incorrectly as it is to remember it incorrectly and your
4 fellow jurors' notes are entitled to no greater weight
5 than each juror's independent memory.

6 Although you may refer to your notes during
7 deliberations, give no more or less weight to the view of
8 other fellow jurors just because that juror did or did
9 not take notes. Although you are permitted to use your
10 notes for your deliberations, the only notes you may use
11 are the notes you write down in the courtroom during the
12 proceedings on the materials distributed by court staff.

13 Each time that we adjourn, your notes will be
14 collected and secured by the court staff. Your notes are
15 completely confidential and neither I nor any member of
16 the court staff will read your notes now or at any time
17 in the future. After you have reached a verdict in this
18 case, your notes will be destroyed immediately by court
19 personnel.

20 You will only be permitted to take notes
21 during the portion of the trial when evidence was
22 presented. For example, you did not have the notepads
23 for opening statements. You will not have the notepads
24 for closing arguments nor for the instructions of the
25 Court, only for the purpose of taking notes when someone

1 is testifying from the witness stand.

2 For those of you who wish to take notes, you
3 may now remove the pen and pad from your folders as we
4 are about to have the first witness. And, yes, they do
5 make noise.

6 Okay. Is the Commonwealth ready to proceed?

7 MR. PORTMAN: Yes, we are, Your Honor.

8 THE COURT: Would you call your first
9 witness.

10 MR. PORTMAN: Dan Licklider to the stand
11 please.

12 DANIEL O. LICKLIDER,
13 called as a witness, having been duly sworn or affirmed,
14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. PORTMAN:

17 Q. Good morning. Please state your name for the
18 record and spell your first and last names.

19 A. Daniel O. Licklider. It's D-a-n-i-e-l;
20 Licklider, L-i-c-k-l-i-d-e-r.

21 Q. And Mr. Licklider, by whom are you employed?

22 A. Commonwealth of Pennsylvania, Office of the
23 Attorney General.

24 Q. And in what capacity?

25 A. The title is Field Investigator Supervisor,
Field Investigator, and also Narcotic Agent 3.

1 Q. And how long have you been employed by the
2 Office of the Attorney General?

3 A. Thirty-four years. Over 34 years.

4 Q. Prior to that did you have any law
5 enforcement experience?

6 A. No. I had college prior to that and
7 military.

8 Q. And what, if any, special training have you
9 had as a narcotics officer or a Field Investigator?

10 A. I started work in 1973, went to Gannick
11 (phonetic) College -- that's where the training academy
12 was -- and I performed undercover work from '73 to '86.
13 In 1987 we formed a financial investigation unit and I
14 was assigned to that unit. Subsequently in 1991, I was
15 the -- became the field supervisor for that unit.

16 The name of the unit changed from the
17 Financial Investigative Unit to the Money Laundering Unit
18 subsequently.

19 Q. And did you have any special training with
20 respect to financial investigations slash money
21 laundering investigations?

22 A. Yes, sir. I attended -- one's the FBI had an
23 academy I went to down in Quantico, Virginia. I went to
24 IRS schools, additional FBI, DEA schools, McLaughlin,
25 numerous -- numerous schools through the years.

1 Q. And during your 34 years, did you participate
2 in any financial investigations prior to 2006?

3 A. Yes, sir.

4 Q. Approximately how many?

5 A. Separate from being the supervisor aspect?

6 Q. Start there.

7 A. Personally, approximately -- do you want from
8 1987 up to -- I mean from the start of the financial
9 investigations?

10 Q. That's fine.

11 A. At least a hundred, and that is a supervisor
12 being more than that because I had people that worked
13 under me, also.

14 Q. Okay. Starting in 2006 were you so involved
15 in the Money Laundering Investigation Unit?

16 A. Yes, sir.

17 Q. And in 2006 did you become involved in an
18 investigation of Levi Lapp Stoltzfoos?

19 A. Yes, sir, I did.

20 Q. And can you please tell us how you became
21 involved in that investigation?

22 A. On or about February 13th, I received a phone
23 call from Lisa Krick, who is a BSA Compliance Officer --
24 some banks called them compliance officers, some of them
25 call it security, they have various titles, but I

1 received a phone call from her.

2 Q. Do you recall which bank she worked for?

3 A. Yes. Susquehanna Bancshares.

4 Q. As a result of that telephone call what, if
5 any, action did you take?

6 A. I initiated an investigation against
7 Mr. Stoltzfoos. He's seated to the left of the defense
8 counsel.

9 Q. And what steps did you initially take for
10 that investigation?

11 A. From the information I received from Lisa
12 Krick, we found that Mr. Stoltzfoos was making what
13 appeared to be structured deposits throughout Lancaster
14 County in a short time frame, and as a result of that I
15 went around and conducted interviews and took the
16 information, to put it in in preparation for a search
17 warrant affidavit for each one of these financial
18 institutions.

19 And the first wave of search warrants were
20 executed about February 23rd, about ten days later. They
21 were sealed search warrants. I had -- they were signed
22 here by a Common Pleas Judge and they were executed on
23 February 23rd.

24 Subsequently, there was a search warrant
25 which I did. Again, it was a sealed search warrant we

1 executed at the residence of Levi Stoltzfoos. That was
2 on or about March 30th of 2006. And then there was
3 approximately two more search warrants done subsequent to
4 the search warrant execution at the residence, and that
5 was done -- I think one of the last banks that we did was
6 Graystone Bank, New Holland. And then I did one at Blue
7 Ball National Bank that was for just documents only.

8 Q. Okay. With respect to the search warrant
9 executed at the banks, how many banks did you identify as
10 being involved with or flowing from the information you
11 initially received from Miss Krick?

12 A. Initially, information was approximately six
13 banks.

14 Q. And how many banks in total did you end up
15 receiving information from with respect to
16 Mr. Stoltzfoos' activities?

17 A. Ten.

18 MR. PORTMAN: May I approach the witness,
19 Your Honor?

20 THE COURT: You may.

21 BY MR. PORTMAN:

22 Q. Mr. Licklider, I handed you what have been
23 previously marked as Commonwealth Exhibits 1 through 10.
24 Would you please look through those, see if you recognize
25 those.

1 A. It's 11 Commonwealth Exhibits.

2 Q. Sorry. One through 11.

3 With respect to Exhibit Number 1, can you
4 please tell us what that is?

5 A. Yeah. This is the application for search
6 warrant authorization. It's Lancaster County and it's
7 for the Bank of Lancaster County. It has my signature on
8 it and it has the issue of authority with the Judge's
9 signature, Judge Allison. And it has the date that I
10 served the search warrant -- that was February 23rd --
11 and the date that the -- I signed before the Judge swore
12 to it was on the 22nd.

13 Q. Now, with respect to Commonwealth Exhibit 1,
14 did you personally present that to the Bank of Lancaster
15 County?

16 A. Yes, sir, I did.

17 Q. And as a result of presenting that, did you
18 receive any documents or other material from the bank?

19 A. Yes, sir, I did.

20 Q. What did you receive?

21 A. I received a cashier's check number 230408 in
22 the amount of \$78,612.11. And that was made out to the
23 Commonwealth of Pennsylvania or the Attorney General's
24 Office.

25 Q. And any other documents?

1 A. Twenty-six monthly statements for Mr. Levi
2 Stoltzfoos' account; and it has the account number on
3 there, his signature card for when he took out the
4 account, and cash-in transactions and deposit tickets and
5 photographs of Mr. Stoltzfoos when he is inside of the
6 bank.

7 Q. Did the information you obtained indicate the
8 account number?

9 A. Yes, sir, it did.

10 Q. And can you please tell us what that number
11 was?

12 A. Sure. 9020010147.

13 Q. Next, if you would please refer to
14 Commonwealth's Exhibit 2 for Coatesville Savings Bank.

15 A. Yes, sir.

16 Q. Could you please tell us when that was
17 signed, executed and what, if anything, was received back
18 from the bank?

19 A. This one was for -- it's a sealed search
20 warrant signed before Judge Michael J. -- I apologize if
21 I --

22 THE COURT: Perezous.

23 THE WITNESS: -- Perezous that was signed on
24 March 3rd, 2006. And it was executed the same day by
25 myself, on March 3rd, '06, and it was for Coatesville

1 Savings Bank. And it was, again, one of Mr. Levi
2 Stoltzfoos' accounts.

3 Q. Did you receive anything from this bank as a
4 result of executing that search warrant?

5 A. Yes, sir. I received a Coatesville Savings
6 Bank official check number 012408 in the amount of
7 \$35,758.91. The account number which this money came out
8 of was 3026001651.

9 The signature cards, I received monthly
10 statements, the deposit slips, withdrawal slips and I
11 received some photocopies of the monies that were
12 deposited by Mr. Stoltzfoos, the hundred-dollar bills.
13 There was some \$14,000 worth of photographs of the money,
14 and there was a photograph -- an additional photograph of
15 Mr. Stoltzfoos.

16 Q. Next I'd like to direct your attention to
17 what's been previously marked as Commonwealth's Exhibit 3
18 for Ephrata National Bank. Do you see that?

19 A. Yes, sir.

20 Q. Could you please tell us when that was
21 signed, executed, and whether or not you personally
22 executed that search warrant?

23 A. Yes, sir. It was -- again, it was another
24 sealed search warrant signed by Judge Allison. I swore
25 to it, signed it on February 22nd. It was executed the

1 next day, on February 23rd, at Ephrata National Bank,
2 Hinkletown Office in New Holland.

3 The account number was 882011. I received a
4 cashier's check number 3923 in the amount of \$48,251.85.
5 I received monthly statements, signature cards, copy of
6 deposit slips, videotapes this time of the deposits,
7 transactions.

8 Q. Next I'd like to direct your attention to
9 what was previously marked as Commonwealth's Exhibit 4
10 for Fulton Bank. You recognize that?

11 A. Yes, sir, I do. It's another -- it's another
12 sealed search warrant which I swore to it and signed
13 before Judge Allison here in the County on February 22nd.
14 It was Fulton Bank, 696 East Main Street, New Holland.
15 It's one of Mr. Stoltzfoos' accounts.

16 I received a Fulton Bank check number 0988601
17 in the amount of \$54,212.79. I received signature cards,
18 monthly statements, deposit items, withdrawal tickets, a
19 retail account agreement, and this time there was digital
20 surveillance photographs of Mr. Stoltzfoos making the
21 deposits. This account number was 362268587.

22 Q. Next directing your attention to what was
23 previously marked as Commonwealth's Exhibit 5 for
24 Graystone Bank. Again, do you recognize that document?

25 A. Yes, sir, I do. It's another one which I

1 signed on this date, April 3rd. The Honorable Judge
2 Joseph C. Madenspacher. Apologize, Your Honor. I'm not
3 familiar with the judges' names around here.

4 Okay. This is -- it was on account number
5 for Mr. Stoltzfoos 210002077. Mr. Stoltzfoos. I
6 executed it on the same day, April 3rd, '06. I received
7 a check, Graystone Bank check number 1453 in the amount
8 of \$48,115.29.

9 I received monthly statements for account
10 number 210002077, signature cards and account number
11 and -- a signature card with the same account number on
12 it, miscellaneous documents and deposit tickets. Again,
13 that was a sealed search warrant as well as the other
14 ones.

15 Q. Right. Directing your attention then to
16 Commonwealth's Exhibit 6, M&T Bank. Do you recognize
17 that document?

18 A. Yes, sir.

19 Q. Can you please tell us what that is?

20 A. Again, it's a sealed search warrant and it
21 was -- I signed it and swore to it before Judge Allison
22 on February 22nd, '06. I executed it at M&T Bank, 210
23 East Main Street, New Holland on February 23rd.

24 I received M&T Bank official bank check
25 number 288625251, and it was in the amount of \$66,138.61.

1 I received a transaction statement. I received
2 photocopies of \$9,000 from one of Mr. Stoltzfoos'
3 deposits. It was photocopied.

4 Q. Anything else that you received from the
5 bank?

6 A. And it says pending surveillance photographs
7 of cash deposits by Mr. Stoltzfoos.

8 Q. And with respect to Commonwealth's Exhibit 7,
9 do you recognize that document?

10 A. Yes, sir. That's another sealed search
11 warrant. I swore to it on February 22nd before
12 Judge Allison and I executed it the following day,
13 February 23rd, at National Penn Bank, 301 West Main
14 Street in New Holland. Again, it was on Mr. Stoltzfoos'
15 accounts. The account number was 215641620.

16 I received the official bank check
17 number 1009 in the amount of \$66,700, and I received
18 approximately 46 documents; monthly statements and
19 various deposit tickets.

20 Q. Referring you now to what was previously
21 marked as Commonwealth's Exhibit 8, please take a look at
22 that. And do you recognize that?

23 A. Yes, sir. Again, that's a sealed search
24 warrant on one of Mr. Stoltzfoos' accounts at Northwest
25 Savings Bank. The account number was 1711015709. I

1 swore to it on February 22nd, '06 before Judge Allison
2 and I executed it the following day, on February 23rd.

3 I received an official bank check number
4 250642254 in the amount of \$57,271.60. I also received
5 deposit slips, currency statements, signature card and
6 six surveillance photographs. And, again, I'm not sure
7 if I said this account number, but it was 1711.

8 Q. Referring your attention now to what was
9 previously marked as Commonwealth's Exhibit 9 for
10 Sovereign Bank. Do you recognize that?

11 A. Yes, sir.

12 Q. Could you please tell us about that document?

13 A. Yes. Again, it's a sealed search warrant
14 which I swore to and signed before Judge Allison. This
15 happened on February 22nd, '06 for the Sovereign
16 Bank, 689 West Main Street, New Holland. And the account
17 number was 0022019944. Again, it's one of the Levi
18 Stoltzfoos' accounts. I executed it the next day.

19 I received eight surveillance photographs,
20 four monthly statements, I received deposit slips and
21 various opening documents. And I received an official
22 bank check 6058858 in the amount of \$56,724.55.

23 Q. Now, referring your attention to what was
24 previously marked as Commonwealth's Exhibit 10, do you
25 recognize that?

1 A. Yes, sir.

2 Q. Can you please tell us about that?

3 A. Yes, sir. It's, again, a sealed search
4 warrant which I signed and swore before Judge Allison
5 here in the -- at -- on February 22nd, '06, Susquehanna
6 Bancshares, 3433 Old Philadelphia Pike, Intercourse,
7 Pennsylvania. The account number was 10001385466. It's
8 for Levi Stoltzfoos and the next day I executed it. I
9 received an official check, 14 photographs, a signature
10 card, monthly statements and an account agreement and
11 deposit slips and deposit inquiries.

12 Q. Can you please tell us the amount on the
13 check that was received?

14 MR. CONRAD: Your Honor, I'm going to object.
15 If I could just for a moment.

16 I'll withdraw the objection, Your Honor.

17 THE COURT: Thank you, Mr. Conrad.

18 THE WITNESS: For some reason the amount's
19 not written on -- the check number is written on it, but
20 not the amount.

21 BY MR. PORTMAN:

22 Q. Okay. Now, with each of the ten checks that
23 you testified to receiving, with the exception of not
24 having the amount for the Susquehanna Bancshares' check,
25 what, if anything, did you do with each of those checks?

1 A. We had called an Asset Forfeiture
2 Administrator and I turned them over to her.

3 Q. And what would be the procedure for the asset
4 administrator to do with those checks, if you know?

5 A. Yes, I know. That money is -- the Office of
6 the Attorney General has an account which they put that
7 money in to get interest on it.

8 Q. So in short, the Office of the Attorney
9 General deposited that money into a bank account?

10 A. That's correct.

11 Q. Next I'd like to direct your attention to
12 what was previously marked as Commonwealth's Exhibit 11.
13 Do you have that?

14 A. Yes, sir.

15 Q. And can you please identify that for us?

16 A. Yes, sir. This is a sealed search warrant
17 which I swore to here in the County on March 31st, 2006
18 -- no, it's not. March 29th, 2006. Pardon me. That's
19 March 29th, 2006; and I executed it the next day, on
20 March 30th, 2006.

21 Q. And where was that executed at?

22 A. That was executed at Mr. Stoltzfoos' parents'
23 house where he resided.

24 Q. And what was the address that the search
25 warrant was executed at?